

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

FILED
13 OCT 22 PM 2:26

U.S. DISTRICT COURT
MICHAEL R. TIERZ

UNITED STATES

MICHAEL R. TIERZ

**WARRANT FOR A
TRACKING DEVICE**

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR A WARRANT AUTHORIZING THE
INSTALLATION AND MONITORING OF
A TRACKING DEVICE IN OR ON A 2-DOOR 2005
CHEVORLET COBALT, ORANGE IN COLOR
BEARING OHIO LICENSE PLATE NUMBER
FSY-8551, VEHICLE IDENTIFICATION
NUMBER 1G1AL12F957623479

WHEREAS an affidavit has been presented to the Court by Todd H. Burkart, Special Agent, Federal Bureau of Investigation, and upon full consideration having been given to the matters set forth therein, this Court finds that there is probable cause to install and use a tracking device in or on a vehicle described as orange 2-door 2005 Chevrolet Cobalt (according to open source databases, Chevrolet replaced the Cavalier with the Cobalt in 2005), further identified by VIN 1G1AL12F957623479 and Ohio License Plate FSY-8551 ("SUBJECT VEHICLE"), and that the use of such tracking device will lead to evidence, fruits, and instrumentalities of violations of federal criminal law, including "Theft or Bribery Concerning Programs Receiving Federal Funds," in violation of 18 U.S.C. § 666.

IT IS HEREBY ORDERED, pursuant to Federal Rule of Criminal Procedure 41 and Title 18, United States Code, § 3117, that Special Agent Todd H. Burkart, together with other FBI special agents, federally deputized state and local law enforcement officers (including the OOCIC Task Force), and other government and contract personnel acting under the supervision of such law enforcement officers are authorized, within ten calendar days from the date of this warrant, to install a tracking device in or on the SUBJECT VEHICLE within the Southern

District of Ohio during the daytime or nighttime hours to ensure the safety of the executing officer(s) and to avoid premature disclosure of the investigation.

It is further ORDERED that said FBI special agents, OOCIC Task Force and their authorized representatives are authorized to the extent necessary to enter onto private property in order to effect the installation, repair, replacement, maintenance, and removal of the tracking device.

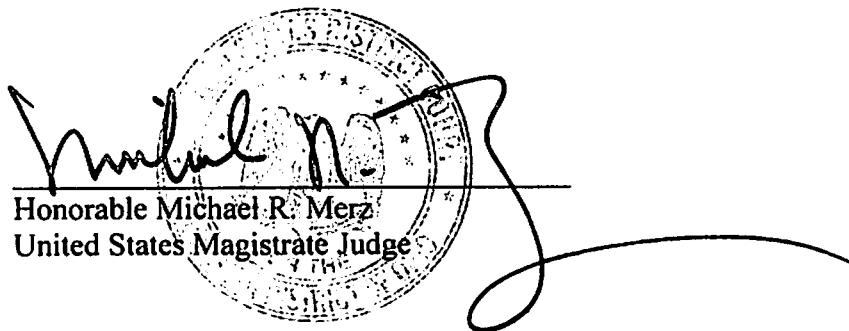
It is further ORDERED that said FBI special agents, OOCIC Task Force and their authorized representatives are authorized, for a period of 45 days from the date the warrant is issued, to monitor the tracking device installed in or on the **SUBJECT VEHICLE**, including when the **SUBJECT VEHICLE** is inside any private garage or other location not open to the public or visual surveillance, both within and outside the Southern District of Ohio.

It is further ORDERED that the executing officer return this warrant to the undersigned Magistrate Judge within 10 calendar days after the use of the tracking device has ended.

It is further ORDERED that this warrant and the accompanying affidavit/application submitted in support thereof, as they reveal an ongoing investigation, be sealed until further Order of the Court in order to avoid premature disclosure of the investigation, guard against the flight of fugitives, and better ensure the safety of agents and others, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office, and may be provided to special agents and other investigative and law enforcement officers of the FBI, the OOCIC Task Force, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrant; and

It is further ORDERED, in accordance with 18 U.S.C. § 3103(b) and Federal Rule of Criminal Procedure 41(f)(3), that notification of the execution of this order be delayed for a period of 30 days after the end of the authorized period of tracking (including any extensions thereof) because there is reasonable cause to believe that providing immediate notification would seriously jeopardize the investigation.

Dated: October 22, 2013



Honorable Michael R. Merz
United States Magistrate Judge